

DESIGNATING MARCH 21 AS BRAVE DAY

CHAPTER 1133

H.B. No. 210

AN ACT

relating to designating March 21 as BRAVE Day.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 662, Government Code, is amended by adding Section 662.065 to read as follows:

Sec. 662.065. BRAVE DAY. (a) March 21 is Breast Reconstruction Advocacy and Education Day, or BRAVE Day, to promote breast reconstruction advocacy and education, and the rights and choices women have for prevention of, treatment for, and recovery from breast cancer.

(b) BRAVE Day shall be regularly observed by appropriate programs and activities.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 24, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective June 15, 2017.

**A RECORDING OF CERTAIN PROCEEDINGS OF THE TEXAS
SUPREME COURT AND COURT OF CRIMINAL APPEALS AND
THE PUBLICATION OF THE RECORDINGS**

CHAPTER 1134

H.B. No. 214

AN ACT

relating to a recording of certain proceedings of the Texas Supreme Court and Court of Criminal Appeals and the publication of the recordings.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter D, Chapter 22, Government Code, is amended by adding Section 22.303 to read as follows:

Sec. 22.303. RECORDING OF CERTAIN COURT PROCEEDINGS. If appropriated funds or donations are available in the amount necessary to cover the cost, the supreme court and the court of criminal appeals shall make a video recording or other electronic visual and audio recording of each oral argument and public meeting of the court and post the recording on the court's Internet website.

SECTION 2. The Texas Supreme Court and the Court of Criminal Appeals are required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Supreme Court and the Court of Criminal Appeals may, but are not required to, implement this Act using other appropriations available for the purpose.

SECTION 3. This Act takes effect September 1, 2017.

Passed by the House on May 4, 2017: Yeas 143, Nays 1, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 214 on May 25, 2017: Yeas

135, Nays 9, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

**OCCURRENCE ON CERTAIN PREMISES OF CERTAIN
ACTIVITIES THAT MAY CONSTITUTE A COMMON NUISANCE**

CHAPTER 1135

H.B. No. 240

AN ACT

relating to the occurrence on certain premises of certain activities that may constitute a common nuisance.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 125, Civil Practice and Remedies Code, is amended by adding Section 125.0017 to read as follows:

Sec. 125.0017. NOTICE OF ARREST FOR CERTAIN ACTIVITIES. If a law enforcement agency makes an arrest related to an activity described by Section 125.0015(a)(6), (7), or (18) that occurs at property leased to a person operating a massage establishment as defined by Section 455.001, Occupations Code, not later than the 14th day after the date of the arrest, the law enforcement agency may provide written notice by certified mail to each person maintaining the property of the arrest.

SECTION 2. Section 125.004, Civil Practice and Remedies Code, is amended by adding Subsections (a-1), (a-2), (a-3), and (e) and amending Subsection (d) to read as follows:

(a-1) Proof in the form of a person's arrest or the testimony of a law enforcement agent that an activity described by Section 125.0015(a)(6) or (7) is committed at a place licensed as a massage establishment under Chapter 455, Occupations Code, or advertised as offering massage therapy or massage services after notice of an arrest was provided to the defendant in accordance with Section 125.0017 is prima facie evidence that the defendant knowingly tolerated the activity.

(a-2) Proof that an activity described by Section 125.0015(a)(18) is committed at a place maintained by the defendant after notice of an arrest was provided to the defendant in accordance with Section 125.0017 is prima facie evidence that the defendant:

(1) knowingly tolerated the activity; and

(2) did not make a reasonable attempt to abate the activity.

(a-3) For purposes of Subsections (a-1) and (a-2), notice is only considered to be provided to the defendant seven days after the postmark date of the notice provided under Section 125.0017.

(d) Notwithstanding Subsection (a), (a-1), or (a-2), evidence that the defendant, the defendant's authorized representative, or another person acting at the direction of the defendant or the defendant's authorized representative requested law enforcement or emergency assistance with respect to an activity at the place where the common nuisance is allegedly maintained is not admissible for the purpose of showing the defendant tolerated the activity or failed to make reasonable attempts to abate the activity alleged to constitute the nuisance but may be admitted for other purposes, such as showing that a crime listed in Section 125.0015 occurred. Evidence that the defendant refused to cooperate with law enforcement or emergency services with respect to the activity is admissible. The posting of a sign prohibiting the activity alleged is not conclusive evidence that the owner did not tolerate the activity.